

AMENDED IN ASSEMBLY MAY 19, 2003

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 334

Introduced by Assembly Member Goldberg

February 7, 2003

~~An act to repeal and add Article 1 (commencing with Section 116775) of Chapter 5 of Part 12 of Division 104 of the Health and Safety Code, An act to amend Section 116786 of the Health and Safety Code,~~ relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 334, as amended, Goldberg. Water softening and conditioning appliances.

Existing law authorizes a residential water softening or conditioning appliance to be installed only if certain conditions are met.

~~This bill would delete this authorization and would make conforming changes.~~

Existing law provides, notwithstanding the above authorization, that a local agency may, by ordinance, limit the availability, or prohibit the installation, of residential water softening or conditioning appliances that discharge to the community sewer system if the local agency makes certain findings and includes them in the ordinance.

~~This bill, instead, would authorize a city, county, city and county, district, or any other political subdivision of the state, by ordinance, to limit the availability or use, or prohibit the installation, of water softening or conditioning appliances that discharge to the community~~

~~sewer system~~ would revise the findings that the local agency is required to make and include in the ordinance under this provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. — Article 1 (commencing with Section 116775) of~~
2 *SECTION 1. Section 116786 of the Health and Safety Code is*
3 *amended to read:*

4 116786. (a) Notwithstanding subdivision (b) of Section
5 116785, a local agency may, by ordinance, limit the availability,
6 or prohibit the installation, of residential water softening or
7 conditioning appliances that discharge to the community sewer
8 system if the local agency makes all of the following findings and
9 includes them in the ordinance:

10 ~~(1) The local agency is not in compliance with waste discharge~~
11 ~~requirements issued by the California regional water quality~~
12 ~~control board pursuant to Chapter 5.5 (commencing with Section~~
13 ~~13370) of Division 7 of the Water Code.~~

14 ~~(2) Limiting the availability, or prohibiting the installation, of~~
15 ~~the appliances is the only available a necessary means of achieving~~
16 ~~compliance with waste discharge requirements issued by the a~~
17 ~~California regional water quality control board.~~

18 ~~(3) board. In determining a necessary means of achieving~~
19 ~~compliance, the local agency shall assess both of the following:~~

20 ~~(A) The technological and economic feasibility of alternatives~~
21 ~~to the ordinance.~~

22 ~~(B) The potential saline discharge reduction of the ordinance.~~

23 (2) The local agency has adopted and is enforcing regulatory
24 requirements that limit the volumes and concentrations of saline
25 discharges from nonresidential sources in the community waste
26 disposal system to the extent technologically and economically
27 feasible.

28 (b) Notwithstanding subdivision (b) of Section 116785, a local
29 agency may, by ordinance, limit the availability, or prohibit the
30 installation, of residential water softening or conditioning
31 appliances that discharge to the community sewer system if the
32 local agency makes all of the following findings and includes them
33 in the ordinance:



1 ~~(1) The local agency is not in compliance with water~~
2 ~~reclamation requirements, or a master reclamation permit, issued~~
3 ~~by the California regional water quality control board pursuant to~~
4 ~~Article 4 (commencing with Section 13520) of Chapter 7 of~~
5 ~~Division 7 of the Water Code.~~

6 ~~(2) Limiting the availability, or prohibiting the installation, of~~
7 ~~the appliances is the only available a necessary means of achieving~~
8 ~~compliance with the water reclamation requirements or the master~~
9 ~~reclamation permit issued by a California regional water quality~~
10 ~~control board.~~

11 ~~(3) board. In determining a necessary means of achieving~~
12 ~~compliance, the local agency shall assess both of the following:~~

13 ~~(A) The technological and economic feasibility of alternatives~~
14 ~~to the ordinance.~~

15 ~~(B) The potential saline discharge reduction of the ordinance.~~

16 (2) The local agency has adopted, and is enforcing, regulatory
17 requirements that limit the volumes and concentrations of saline
18 discharges from nonresidential sources to the community waste
19 disposal system to the extent technologically and economically
20 feasible.

21 (c) Local agency findings shall be substantiated by an
22 independent study of discharges from all sources of salinity,
23 including, but not limited to, residential water softening or
24 conditioning appliances, residential consumptive use, industrial
25 and commercial discharges, and seawater or brackish water
26 infiltration and inflow into the sewer collection system. The study
27 shall quantify, to the greatest extent feasible, the total discharge
28 from each source of salinity and identify remedial actions taken to
29 reduce the discharge of salinity into the community sewer system
30 from each source, to the extent technologically and economically
31 feasible, to bring the local agency into compliance with waste
32 discharge requirements, water reclamation requirements, or a
33 master reclamation permit, prior to limiting or prohibiting the use
34 of residential water softening or conditioning appliances.

35 (d) Any ordinance adopted pursuant to this section shall be
36 prospective in nature and may not require the removal of
37 residential water softening or conditioning appliances that are
38 installed before the effective date of the ordinance.



1 (e) To comply with this section, any local agency described in
2 subdivision (f) of Section 116780 is authorized to adopt an
3 ordinance.

4 (f) This section shall become operative on January 1, 2003.
5 Chapter 5 of Part 12 of Division 104 of the Health and Safety Code
6 is repealed.

7 SEC. 2. Article 1 (commencing with Section 116775) is
8 added to Chapter 5 of Part 12 of Division 104 of the Health and
9 Safety Code, to read:

10
11 Article 1. Water Softeners

12
13 ~~116775. The Legislature finds and declares that the~~
14 ~~availability or use of onsite water softening or conditioning~~
15 ~~appliances that discharge to the community sewer system may be~~
16 ~~limited in order to protect the quality of the waters of the state or~~
17 ~~to promote statewide utilization of recycled water.~~

18 ~~116776. A city, county, city and county, district, or any other~~
19 ~~political subdivision of the state may, by ordinance, limit the~~
20 ~~availability or use, or prohibit the installation, of water softening~~
21 ~~or conditioning appliances that discharge to the community sewer~~
22 ~~system.~~

